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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,354	01/18/2000	Alon Nachom	NAC99-001P	3068

7590 02/04/2005

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EXAMINER

ELISCA, PIERRE E

ART UNIT PAPER NUMBER

3621

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/487,354

Applicant(s)

NACHOM, ALON

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/15/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. regarding the status of the claims in the instant application, the Examiner has made an updated search and found new prior art. The Examiner is obliged to apply the newly found prior art. Thus, the finality of the prior Office action has been withdrawn and a new rejection follows. The examiner regrets the delayed process of the application. Accordingly, claims 21-50 are pending.

### *Claim Rejections-35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judson (U.S. Patent No. 5,572,643) in view of Conklin et al. (U.S. Pat. NO. 6,141,653).

Regarding to **claims 21, 23, 30-33, and 35-50** Ronen substantially discloses a popup advertisements, comprising of:

providing information regarding a related subject matter from an alternate source, comprising:

obtaining a first set of electronic information to be displayed to a user from a first source on a network, wherein the first set of electronic information comprises information identifying a first transaction to be made (see abstract, lines 10-15, col 1, lines 59-67);

accepting transaction data to effect the first transaction; requesting a second set of electronic information (second set of electronic or popup advertisements) see., abstract, col 1, lines 59-67, col 2, lines 54-67; to displayed to the user from the second source on the network, wherein the second set of electronic information comprises information identifying a second transaction to be made; providing data to display to the user without the user's knowledge of an origin of the second set of information visual representation of the second set of electronic information as though originating from the first source; and accepting a transaction (see ., abstract, col 1, lines 59-67, col 2, lines 13-67, col 3, lines 44-67).

Ronen does not explicitly disclose the step of routing the transaction data to a second source.

**However, Conklin** discloses a multivariate negotiations over a network or business transactions, wherein business transaction negotiation deals have many variable items, such as price, quantity, quality, warranty. An internet routing transaction see., fig 1A, item 04, abstract, col 1, lines 41-47, col 7, lines 30-64. It is obvious to realize that transferring information to user from autonomous source is well-known in order to keep sells autonomous. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of **Rosen** by including the limitation detailed above as taught by **Conklin** because this would keep the information autonomously to client to **Rosen's** Internet selling system for the benefit of providing buyer what they needs and keep the seller autonomously before sells transaction takes place.

**Regarding to claims 22, 24, and 29 Ronen** discloses the invention of claim 1, wherein the transaction authorization comprises a user authorization to share the transaction data with the second source (see abstract, col 3, lines 44-67 or URL).

Art Unit: 3621

Regarding to **claims 25, 26, 27, 28, 34**, Judson in view of the obviousness statement discloses the invention of claim 7. Judson does not discloses said system wherein a payment means, a delivery means, and a client identifying means are at least included in said data.

However, it is obvious to realize that many techniques have been used to encrypt file i.e for transferring billing information from one source to another and shipping information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Judson's popup advertisements with the obviousness statement by giving client an option to pay direction to the second source by having the IAP transfer client's pre-established billing information such as payment means, delivery means and shipping identifying means to the ISP when the client decides to make purchase from the ISP.

Regarding to **claim 9**, Judson in view of the obviousness statement discloses the invention of claim 8. Judson does not discloses said system wherein a second display component is presented by said second source requesting at least entry of said payment means, said delivery means, and said client identifying means, if said data is insufficiently received by said second source.

However, it is obvious to recognize that billing information have to be satisfied before a sales transaction can be completed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of presenting to client the request of filling out billing information if such information was not completely received in order to complete the sales transaction.

### ***Conclusion***

Art Unit: 3621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

**Primary Patent examiner**

**February 1, 2005**